

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Parker Tirrell, by her parents and next friends)	
Sara Tirrell and Zachary Tirrell, and)	
)	
Iris Turmelle, by her parents and next friends)	
Amy Manzelli and Chad Turmelle,)	
Plaintiffs,)	Civil Action
v.)	No. 1:24-cv-00251-LM-TSM
)	
Frank Edelblut, et al.)	
Defendants.)	

STIPULATION FOR DISMISSAL WITHOUT PREJUDICE OF
BONNIE ACTON, GREG APRILLIANO, LISA ASH, PAUL CIOTTI,
SHEILA DONAHUE, PETER JACKSON, PHIL MCCORMACK, BERNICE SULLIVAN,
TONY TORINO, CAROLYN VARIN, BARBARA NOYES, PAUL PIZZANO,
AS MEMBERS OF THE PEMI-BAKER REGIONAL SCHOOL BOARD
IN THEIR OFFICIAL CAPACITIES

AND

ANDREW CAMIDGE, GENE GAUSS, KERRI DEAN, AND MELANIE CAMELO,
AS MEMBERS OF THE PEMBROKE SCHOOL BOARD
IN THEIR OFFICIAL CAPACITIES

NOW COME the Parties who stipulate to the dismissal without prejudice of the individual school board member defendants only:

1. Parker Tirrell and Iris Turmelle sued their resident schools districts, Pemi-Baker Regional School District and Pembroke School District, respectively, to enjoin them from enforcing HB1205 which is codified as RSA 198:41 and RSA 198:42. They also sued members of the School Boards in their official capacities.

2. On September 10, 2024, this Court (McCafferty, J. presiding), issued a preliminary injunction enjoining the Districts, their Board members in their official capacities, and their employees, agents, appointees, or successors from enforcing or threatening to enforce

HB1205 as to Parker Tirrell and Iris Turmelle and to permit the students to try out for, practice with, compete with, and play on school sports teams designated for girls on the same terms and conditions as other girls.

3. The school board is the managing board of the school district. Ashley v. Rye School District, 111 N.H. 54, 55 (1971) (citation omitted). The school board is entrusted with the management of the prudential affairs of the district. RSA 21:29. As such, the Board members are bound by this Court's orders and injunction even if they are not named defendants. The Board members stipulate and agree that in their official capacities they are bound by the Court's orders even if they are not named as defendants.

4. The Parties have agreed to dismiss the suit against all individual Pemi-Baker and Pembroke School Board members in their official capacities. This Stipulation does not relieve the School Board members from complying in their official capacities with the injunction and any other orders of this Court.

5. State Defendants stipulate only to the dismissal of the School Board members identified herein. State Defendants do not take a position on the legal or practical effect of the School Board members' dismissal, nor do State Defendants take a position on any agreement that may be reflected in this Stipulation between Plaintiffs and the School Board members, the Pemi-Baker Regional School District, or the Pembroke School District.

Respectfully submitted,

PARKER TIRRELL, by her parents and
next friends SARA TIRRELL and
ZACHARY TIRRELL,

and

IRIS TURMELLE, by her parents and next
friends AMY MANZELLI and CHAD
TURMELLE,

By and through their attorneys,

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PEMI-BAKER REGIONAL SCHOOL DISTRICT,
BONNIE ACTON, GREG APRILLIANO, LISA
ASH, PAUL CIOTTI, SHEILA DONAHUE,
PETER JACKSON, PHIL MCCORMACK,
BERNICE SULLIVAN,
TONY TORINO, CAROLYN VARIN, BARBARA
NOYES, AND PAUL PIZZANO AS MEMBERS
OF THE PEMI-BAKER REGIONAL SCHOOL
BOARD IN THEIR OFFICIAL CAPACITIES,

By their attorneys,
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PEMBROKE SCHOOL DISTRICT,
ANDREW CAMIDGE, GENE GAUSS, KERRI
DEAN, AND MELANIE CAMELO AS
MEMBERS OF THE PEMBROKE SCHOOL
BOARD IN THEIR OFFICIAL CAPACITIES,

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Respectfully submitted,
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JAMES FRICCHIONE, and JAMES LABOE
By their attorneys,

By: /s/ Michael P. DeGrandis
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Dated: October 31, 2024

Certificate of Service

I, Chris Erchull, hereby certify that on today's date I served a copy of the forgoing on all counsel by filing the same on ECF.

/s/ Chris Erchull
Chris Erchull